

1 GARY R. GOODHEART, ESQ. (NV Bar #1203)
2 KARL L. NIELSON, ESQ. (NV Bar #5082)
3 FENNEMORE CRAIG, P.C.
4 300 S. Fourth Street, Suite 1400
5 Las Vegas, NV 89101
6 Telephone: (702) 692-8000
7 Facsimile: (702) 692-8099
8 Email: ggoodheart@fclaw.com
9 knielson@fclaw.com

10 RICHARD H. BROWN, ESQ.
11 (*admitted pro hac vice*)
12 DAY PITNEY LLP
13 7 Times Square, 20th Floor
14 New York, NY 10036
15 Telephone: (973) 966-8119
16 Facsimile: (973) 206-6129
17 Email: rbrown@daypitney.com

18 *Counsel for Plaintiff*

19 **UNITED STATES DISTRICT COURT**
20 **DISTRICT OF NEVADA**

21 WENGER S.A.,

22 Plaintiff

23 v.

24 FUZHOU HUNTER PRODUCT IMPORT
25 AND EXPORT CO., LTD.; SWISSDIGITAL
26 USA CO., LTD.; KRUMMHOLZ
27 INTERNATIONAL INC.; SWISSGEAR
28 SARL; and ZHIJIAN “HUNTER” LI,
Defendants.

Case No. 2:15-cv-01098-GMN-NJK

**STIPULATION AND ORDER
TRANSFERRING MATTER TO THE
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
NEW YORK**

**STIPULATION AND ORDER TRANSFERRING MATTER TO THE UNITED STATES
DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK**

IT IS HEREBY STIPULATED by and between Plaintiff Wenger S.A. and Defendants Fuzhou Hunter Product Import & Export Co. Ltd. (“Fuzhou Hunter”), Swissdigital USA Co. Ltd, Krummholz International Inc., Swissgear Sarl, and Zhijian “Hunter” Li (collectively, “Defendants”) that:

1. Defendants Krummholz International Inc. and Swissdigital USA Co., Ltd. filed a civil

1 action against Wenger S.A. in the United States District Court for the Western District of New
2 York on January 29, 2015 (No. 1:15-CV-00086-WMS) (hereinafter “WDNY Action”);

3 2. Plaintiff Wenger S.A. filed a Complaint and other papers in the above-captioned
4 action on June 10, 2015 (See Dkt No. 1);

5 3. In the above-captioned matter, Defendants filed a Countermotion to Dismiss or
6 Transfer Case to the Western District of New York on June 19, 2015 (Dkt No. 33);

7 4. Plaintiff and Defendants hereby consent to transfer the matter currently pending in
8 this Court (Docket No.: 2:15-CV-01098-GMN-NJK) to the Western District of New York
9 pursuant to 28 U.S.C. § 1404(a); and, upon this Order being issued transferring this action to the
10 Western District of New York, the Parties agree to the following terms and conditions:

11 a. In the above-captioned action, Defendants waive any and all defenses based on lack
12 of personal jurisdiction, improper venue, insufficient process, and/or insufficient service of
13 process (under Fed. R. Civ. P. 12(b)(2), 12(b)(3), 12(b)(4), and (12(b)(5));

14 b. In the event that Wenger S.A. asserts claims against them in the WDNY Action,
15 Fuzhou Hunter, Swissgear Sarl and/or Zhijian “Hunter” Li each: (i) waive any and all defenses
16 based on lack of personal jurisdiction, improper venue, insufficient process, and/or insufficient
17 service of process (under Fed. R. Civ. P. 12(b)(2), 12(b)(3), 12(b)(4), and (12(b)(5)) and (ii)
18 authorize the law firm of Meredith & Keyhani, PLLC to accept service on their behalf of any
19 papers filed in the WDNY Action;

20 c. Wenger S.A. waives any and all defenses based on lack of personal jurisdiction,
21 improper venue, insufficient process, and/or insufficient service of process (under Fed. R. Civ. P.
22 12(b)(2), 12(b)(3), 12(b)(4), and (12(b)(5)) in the WDNY Action; and

23 d. Plaintiff and Defendants agree that transfer of this action to the Western District of
24 New York is convenient for the parties and is in the interest of justice.

25 5. Plaintiff and Defendants agree that, subject to any further order of the Western
26 District of New York as the transferee court, Defendants shall have 30 days from the date of this
27 Order to answer and/or otherwise respond to the Complaint filed by Wenger in this matter.

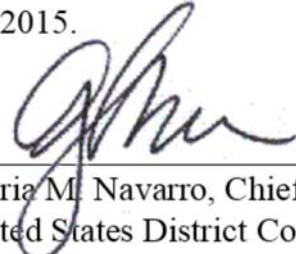
28 **PURSUANT TO THE STIPULATION OF THE PARTIES SET FORTH ABOVE; IT IS**

HEREBY ORDERED THAT:

1. Defendants' Countermotion to Dismiss or Transfer Case To the Western District Of New York is hereby denied as moot; and

2. This matter is hereby transferred to the United States District Court for the Western District of New York.

IT IS SO ORDERED this 14th day of July, 2015.


Gloria M. Navarro, Chief Judge
United States District Court

CONSENTED TO BY:

s/ Karl Nielson

Gary R. Goodheart, Esq. (NV Bar #1203)
Karl L. Nielson, Esq. (NV Bar #5082)
Fennemore Craig, P.C.
300 S. Fourth Street, Suite 1400
Las Vegas, NV 89101
Telephone: (702) 692-8000
Facsimile: (702) 692-8099
Email: ggoodheart@fclaw.com
knielson@fclaw.com

Richard H. Brown
Day Pitney LLP
7 Times Square
Times Square Tower
New York NY 10036
Telephone: (212) 297-5854
Facsimile: (212) 916 2940
Email: rbrown@daypitney.com

Attorneys for Plaintiff

s/ Amanda Yen

Amanda Yen, Esq. (NV Bar #9726)
Joseph Schrage, Esq. (NV Bar # 11270)
McDonald Carano Wilson LLP
2300 W. Sahara Avenue, Suite 1200
Las Vegas, NV 89102
Telephone: (702) 873-4100
Email: ayen@mcdonaldcarano.com
jschrage@mcdonaldcarano.com

Darius Keyhani (DK 9673)
Jennifer Meredith (JM-4816)
Meredith & Keyhani, PLLC
205 Main Street
East Aurora, NY 14052
Telephone: (716) 898-8938
Facsimile: (716) 299-2499
Email: dkeyhani@meredithkeyhani.com

Attorneys for All Defendants